

MARK L. MILLER, SBN : 171394
LARISSA L. LAZARUS, SBN : 250293
LAW OFFICES OF MARK L. MILLER
2341 Jefferson Street, Ste. 100
San Diego, CA 92110
Telephone: 619-574-0551
Facsimile: 619-574-6243

ATTORNEY FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ALEKSANDAR SRECKOVIC,

Debtor/Plaintiff,

v.

SYSCO SAN DIEGO, INC. and SAN
DIEGO COUNTY SHERIFF

Defendants.

Bankruptcy No.: 10-22631-MM7

AP No.:

Chapter 7

**DEBTOR ALEKSANDAR SRECKOVIC'S
COMPLAINT TO RECOVER MONIES AND
SET ASIDE PREFERENTIAL TRANSFER**

1. This case was commenced by Debtor/Plaintiff ALEKSANDAR SRECKOVIC, by filing a voluntary petition under Chapter 7 of the Bankruptcy Code on December 28, 2010.

2. This complaint is filed pursuant to 11 U.S.C. § 542, to enforce the turnover of Debtor's exempt property involuntarily transferred to Defendants SYSCO SAN DIEGO, INC. and SAN DIEGO COUNTY SHERIFF (hereafter "DEFENDANTS").

3. This Court has jurisdiction under 28 U.S. C. § 1334.

4. This is a core proceeding.

5. Debtor ALEKSANDAR SRECKOVIC's bank account was garnished prior to filing

1 for Chapter 7 relief in the amount of approximately \$5,000.00 by DEFENDANTS.

2 DEFENDANTS caused and/ or issued an attachment of Debtor's bank account.

3 6. Debtor has claimed said monies exempt under C.C.P. § 703.140(b)(5).

4 7. The Trustee in this case has not attempted to seek this turnover of property and
5 Debtor now seeks to pursue the property's turnover pursuant to 11 U.S.C. §542.

6 8. The transfer to DEFENDANTS was not voluntary nor did the Debtor conceal any
7 of the property involved.

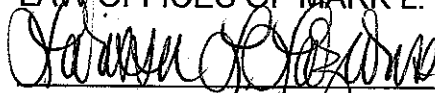
8 9. The transfer to DEFENDANTS on account of the antecedent debt to them, while
9 the Debtor was insolvent, enabled DEFENDANTS to receive more than they would
10 have received if the transfer had not been made, since the DEFENDANTS would have
11 received no dividend in the Debtors' Bankruptcy case.
12
13

14
15 WHEREFORE, Debtor/Plaintiff prays for judgment against the DEFENDANTS,
16 and each of them as follows:

- 17 1. Ordering DEFENDANTS SYSCO SAN DIEGO, INC. and SAN DIEGO
18 COUNTY SHERIFF to return \$5,000.00 obtained by them as described
19 above; and
20
21 2. Ordering such other and further relief as is just and proper.
22

23
24 Dated: 3/28/2011

LAW OFFICES OF MARK L. MILLER



LARISSA L. LAZARUS

Attorney for Debtor/Plaintiff